

REMARKS/ARGUMENTS

The amendment to claims are intended to clarify that the film of element (c) has either no heat shrinkage or a heat shrinkage of at least 5% less than that of heat shrinkable film of element (a). Basis for this amendment can be found at page 2, lines 33-34, of the original specification and as such the amendment does not represent new matter.

At present, the disclosure is objected to because of the use of parenthesis and reference letters to describe layers. In view of the amended abstract it is felt that there is a basis for the withdrawal of this objection and such action is requested.

At present, Claims 1 through 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As amended the claims now clearly and distinctly include that the second film of element (c) has either no heat shrinkage or a heat shrinkage of less than 5% of the heat shrinkable film of element (a). In view of these amendments it is felt that the rejection of claims under §112 should be withdrawn and such action is requested.

At present, Claims 1 through 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over a patent issued to Garland et al. (U.S. 5,079,051) in view of a patent issued to Aaker et al. (U.S. 4,971,845). Reconsideration of this final rejection is requested.

In asserting the above rejection the Office Action states, in part, that Garland et al. teach a heat shrinkable film laminate comprising a heat shrinkable film, an adhesive coating and a second film having heat shrinkage of at least 105 less shrinkage than the heat shrinkable film made of polyester. In contrast to

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these statements, Garland et al. does not teach the manufacture of a film laminate. At column 10, lines 3-18, Garland clearly describes the making of his film by co-extrusion of four layers followed by extrusion coating of two additional layers. More importantly, this resultant multi-layered film is then biaxially oriented at 3:1 stretch (in both transverse and longitudinal directions) by reheat in combination with trapped bubble processing. This results in a high shrink energy/high modulus thermoplastic multi-layer film. The Examiners reference to the "10% more shrink energy" at column 2, line 63, is not "heat shrinkage"; i.e., refers to the energy for shrinking rather than the extent of the shrinkage. In the instant invention of the energy of shrinking comes predominantly from the thinner "heat shrinkable film" layer of element (a) and not from the relatively thicker film layer of element (c). Please note the table of data on page 8 of the specification wherein the % change associated with dimensional shrinkage is clearly contributed from layer (a) and not layer (a). In other words, the instant invention is claiming a film "laminate" with an inherent bias in the degree of shrinkage associated with two layer and the presence of a solventless adhesive there between. In this respect, the Garland et al. disclosure does not and cannot serve as a *prima facie* showing of obviousness under 35U.S.C. §103. The secondary reference by Aaker et al. does not supply the necessary teaching to over come the deficiencies of the primary reference, particular relative to the affirmative teaching that the layer must have similar shrink characteristics.

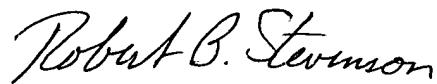
In view of the above brief remarks and amendments to the claims, it is felt that there is a basis for the withdrawal of the §103 rejection of claims based on the reference of record and that all claims are now in condition for allowance. Such action is requested.

Should the Examiner believe that an interview or other action in Applicant's behalf would expedite prosecution of the application, the Examiner is urged to contact Applicant's attorney by telephone at (302) 992-6824.

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